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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

MIKE GLEASON - Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

2008 APR 28 A 9:12

AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission
DOCKETED

APR 28 2008

DOCKETED BY

IN THE MATTER OF THE APPLICATION
OF BEARDSLEY WATER COMPANY FOR
EXTENSION OF ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO. W-02074A-07-0616

PROCEDURAL ORDER

BY THE COMMISSION:

On October 24, 2007, Beardsley Water Company ("BWC" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for an extension of its Certificate of Convenience and Necessity ("Certificate" or "CC&N") to provide domestic water service to the Peak View Ranch Developments Units 4 and 5 in Maricopa County, Arizona.

On November 21, 2007, the Commission's Utilities Division ("Staff") filed an Insufficiency Letter in this docket.

On January 29, 2008, Applicant filed its Response to Staff's Insufficiency Letter.

On February 28, 2008, Staff filed a second Insufficiency Letter in this docket.

On March 7, 2008, the City of Surprise ("City") filed a Motion to Intervene in this docket stating that the City owns the City of Surprise Water Service Department and is the Maricopa Association of Government 208 designated sewer provider for the proposed extension area.

On March 14, 2008, Applicant filed its Response to Staff's second Insufficiency Letter.

On April 14, 2008, Staff filed a Sufficiency Letter in this docket indicating BWC's application had met the sufficiency requirements as outlined in the Arizona Administrative Code ("A.A.C."). On that same date, Staff filed a Request for Information directed to the City.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall be held on **June 5, 2008, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Room 100, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-105, except that all Motions to Intervene must be filed on or before **May 19, 2008**.

IT IS FURTHER ORDERED that **objections to any Motions to Intervene** must be filed no later than **May 29, 2008**.

IT IS FURTHER ORDERED that BWC shall provide public notice of the hearing in this matter, in the following form and style, with the heading no less than 10 point bold type and the body no less than 10 point regular type:

**PUBLIC NOTICE OF THE HEARING ON THE APPLICATION OF
BEARDSLEY WATER COMPANY FOR AN EXTENSION OF ITS CERTIFICATE
OF CONVENIENCE AND NECESSITY TO PROVIDE DOMESTIC WATER
SERVICE IN MARICOPA COUNTY.
(Docket No. W-02074A-07-0616)**

On October 24, 2007, Beardsley Water Company ("BWC" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for an extension of its Certificate of Convenience and Necessity ("Certificate" or "CC&N") to provide domestic water service to the Peak View Ranch Developments Units 4 and 5 in Maricopa County, Arizona. The Commission's Utilities Division ("Staff") has not yet made a recommendation regarding BWC's application, and the Commission is not bound by the proposals made by BWC, Staff, or any intervenors. The Commission will issue a decision regarding BWC's application following consideration of testimony and evidence presented at an evidentiary hearing. Copies of the application are available at BWC's offices [insert address] and the Commission's offices at 1200 West Washington, Phoenix, Arizona, for public inspection during regular business hours and on the internet via the Commission website (www.azcc.gov) using the e-docket function.

The Commission will hold a hearing on this matter beginning **June 5, 2008, at 10:00 a.m.**, at the Commission's offices, 1200 West Washington, Phoenix, Arizona. Public comments will be taken on the first day of the hearing. Written public comments may be submitted via email (visit <http://www.azcc.gov/utility/cons/index.htm> for instructions), or by mailing a letter referencing Docket Number W-02074A-07-0616 to: Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Any person or entity entitled by law to intervene and having a direct and substantial interest in the matter will be permitted to intervene. If you would like to intervene, you must file a written motion to intervene with the Commission, and you must send copies of the motion to the

1 Company or its counsel, and to all parties of record in the case. Your motion to
2 intervene must contain the following:

- 3 1. Your name, address, and telephone number, and the name, address, and
4 telephone number of any party upon whom documents are to be served in your
5 place, if desired;
- 6 2. A short statement of your interest in the proceeding (e.g., a customer of the
7 Company, a shareholder of the Company, etc.); and
- 8 3. A statement certifying that a copy of your motion to intervene has been mailed
9 to the Company or its counsel and to all parties of record in the case.

10 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
11 that all motions to intervene must be filed on or before May 19, 2008. The granting of
12 intervention, among other things, entitles a party to present sworn evidence at hearing
13 and to cross-examine other witnesses. However, failure to intervene will not preclude
14 any person or entity from appearing at the hearing and making a statement on their
15 own behalf.

16 If you have any questions about this application, you may contact BWC at [insert
17 **telephone number**]. If you wish to file written comments on the application or want
18 further information on intervention you may contact the Consumer Services Section of
19 the Commission at 1200 W. Washington St., Phoenix, AZ 85007, or call 1-800-222-
20 7000.

21 The Commission does not discriminate on the basis of disability in admission to its
22 public meetings. Persons with a disability may request a reasonable accommodation
23 such as a sign language interpreter, as well as request this document in an alternative
24 format, by contacting the ADA Coordinator Linda Hogan, E-mail Lhogan@azcc.gov,
25 voice phone number 602/542-3931. Requests should be made as early as possible to
26 allow time to arrange the accommodation.

27 IT IS FURTHER ORDERED that BWC shall **mail to each property owner or property**
28 **owner representative** in the requested extension area a copy of the above notice and shall cause the
above notice to be **published in a newspaper of general circulation** in its service territory, with
publication and mailing to be completed no later than **May 9, 2008**.

IT IS FURTHER ORDERED that the Applicant shall **file certification of mailing and**
publication as soon as practicable after the mailing/publication has been completed, but not later
than **May 19, 2008**.

IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and
publication of same, notwithstanding the failure of an individual property owner to read or receive
the notice.

IT IS FURTHER ORDERED that Staff shall file a **Staff Report** on or before **May 9, 2008**.

1 IT IS FURTHER ORDERED that any **objections to the Staff Report** shall be filed on or
2 before **May 29, 2008**.

3 IT IS FURTHER ORDERED that the City of Surprise's Motion to Intervene is hereby
4 granted.

5 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
6 Communications) continues to apply to this proceeding as the matter is set for public hearing.

7 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
8 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission *pro*
9 *hac vice*.

10 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
11 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
12 Rules of Arizona Supreme Court). Representation before the Commission includes the obligation to
13 appear at all hearings and procedural conferences, as well as all Open Meetings for which the matter
14 is scheduled for discussion, unless counsel has previously been granted permission to withdraw by
15 the Administrative Law Judge or the Commission.

16 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
17 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
18 hearing.

19 Dated this 28th day of April, 2008.

20
21 
22 YVETTE B. KINSEY
23 ADMINISTRATIVE LAW JUDGE

24 Copies of the foregoing mailed/delivered
25 this 28th day of April, 2008 to:

26 Fred T. Wilkinson
27 FIRST NATIONAL MANAGEMENT, INC.
28 P.O. Box 1020
3880 South De Niza Road
Apache Junction, Arizona 85217-1020
Agent for Beardsley Water Company

1 Steven A. Hirsch
2 BRYAN CAVE LLP
3 2 North Central Avenue, Suite 2200
4 Phoenix, Arizona 85004-4406
5 Attorney for Beardsley Water Company

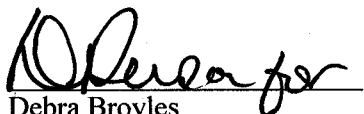
6 Michael Bailey, City Attorney
7 CITY OF SURPRISE
8 12425 West Bell Road, Suite D100
9 Surprise, Arizona 85374

10 Joan S. Burke
11 Danielle D. Janitch
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14 Phoenix, Arizona 85012-2794
15 Attorneys for City of Surprise

16 Christopher Kempley, Chief Counsel
17 Legal Division
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19 1200 West Washington Street
20 Phoenix, Arizona 85007

21 Ernest G. Johnson, Director
22 Utilities Division
23 ARIZONA CORPORATION COMMISSION
24 1200 West Washington Street
25 Phoenix, Arizona 85007

26 ARIZONA REPORTING SERVICE, INC.
27 2200 N. Central Ave., Suite 502
28 Phoenix, Arizona 85004

18 By: 
19 Debra Broyles
20 Secretary to Yvette B. Kinsey